

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

EDGAR GOODWIN,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:23-cv-1
v.)	
)	Judge Atchley
JIM HAMMOND, <i>et al.</i> ,)	Magistrate Judge Lee
)	
<i>Defendants.</i>)	

MEMORANDUM AND ORDER

Plaintiff, a prisoner housed in the Hamilton County Sheriff's Silverdale Detention Center ("Silverdale") who is proceeding pro se and *in forma pauperis* in a civil rights action under 42 U.S.C. § 1983, has filed motions seeking (1) the appointment of counsel [Doc. 6], (2) to compel discovery [Doc. 7], (3) records [Doc. 8], and (4) a list of all motions that may be filed in civil cases [Doc. 9]. For the reasons articulated below, all of Plaintiff's motions are without merit and will be **DENIED**.

I. APPOINTMENT OF COUNSEL

Plaintiff requests the appointment of counsel in this action because he has a limited education and lacks the knowledge to prosecute this case fully [Doc. 6]. Pursuant to 28 U.S.C. § 1915(e)(1) "[t]he court *may* request an attorney to represent any person unable to afford counsel" (emphasis added). However, "[a]ppointment of counsel in a civil case is not a constitutional right[,]" but a "privilege that is justified only by exceptional circumstances." *Lavado v. Keohane*, 992 F. 2d 601, 605-06 (6th Cir. 1993) (internal citations omitted). In determining whether "exceptional circumstances" exist, the Court considers "the complexity of the case and the ability

of the plaintiff to represent himself.” *Cavin v. Michigan Dep’t of Corr.*, 927 F.3d 455, 461 (6th Cir. 2019) (citing *Lavado*, 992 F.2d at 606).

Plaintiff has been permitted to proceed in this action on a single allegation — that Defendants, acting in their individual capacities, denied him adequate medical care [Doc. 4 p. 6-8]. The body of law governing Plaintiff’s claim is well developed, and Plaintiff’s case does not appear to be either legally or factually complex. Additionally, it appears from Plaintiff’s filings in this case that he is capable of adequately representing himself. Accordingly, Plaintiff has not demonstrated any exceptional circumstances warranting the appointment of counsel, and this motion [Doc. 6] is **DENIED**.

II. MOTIONS FOR DISCOVERY

Plaintiff has filed two motions seeking discovery in this cause: a motion to compel discovery from Defendants [Doc. 7], and a motion requesting the Court provide his grievance and medical records from Silverdale [Doc. 8]. Plaintiff is **ADVISED** that the Court is not the means by which Plaintiff obtains discovery. Rather, Plaintiff must follow the Federal Rules of Civil Procedure to obtain discovery from Defendants, and he should seek relief from the Court **only** if the opposing party fails to cooperate with his properly served discovery requests. *See, e.g.*, Fed. R. Civ. P. 26, 33, 34, and 37. No Defendant has been served with process in this action, as Plaintiff has not yet returned his completed service packets [*See* Doc. 4 p. 8]. Therefore, it is impossible that Defendants have been noncompliant with Plaintiff’s proper discovery requests, and Plaintiff’s discovery-related motions [Docs. 7 and 8] are **DENIED**.

III. MOTION FOR LISTS

Plaintiff moves for “listing of motions to be filed in pursuit of civil suit hearings, trials, and court dates pertaining to prosecuting and defending” this action [Doc. 9]. There is no

comprehensive list of motions that may be filed in a given case. More importantly, this Court's role is to adjudicate disagreements. It is not to advise the parties or assist the parties in presenting their case.¹ Accordingly, Plaintiff's motion for a list of motions [Doc. 9] is **DENIED**.

SO ORDERED.

/s/ *Charles E. Atchley, Jr.*

CHARLES E. ATCHLEY JR.
UNITED STATES DISTRICT JUDGE

¹ Nonetheless, Plaintiff is advised that the Court's Local Rules may be accessed on the Court's website at <https://www.tned.uscourts.gov/sites/tned/files/localrules.pdf>. A link to the Federal Rules of Civil Procedure is also available: <https://www.tned.uscourts.gov/related-links>.